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§ 94509. Standards for Consumer Products

(a) Except as provided in Sections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), 94540 through 94555 (Alternative Control Plan), and 94567(a)(1) (Hairspray Credit Program), Title 17, California Code of Regulations, no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which, at the time of sale or manufacture, contains volatile organic compounds in excess of the limits specified in the following Table of Standards after the specified effective dates.

[NOTE: In the interest of clarity we have redesigned the Table of Standards. Previously, the product categories subject to regulation were separated into three groups (Phase I, Phase II, and Phase III) based on the rulemaking actions in which standards were first adopted for each category. In the redesigned Table of Standards shown below, the product categories subject to regulation are presented in alphabetical order.]

**Table of Standards
Percent Volatile Organic Compound by Weight**

Product Category	Effective Date ¹	VOC Standard ²
Adhesives *: aerosol mist spray adhesives web spray adhesives special purpose spray adhesives mounting, automotive engine compartment, and flexible vinyl adhesives polystyrene foam and automobile headliner adhesives polyolefin and laminate repair/edgebanding adhesives [See 94509(i), 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesives.]	1/1/95 1/1/2002 1/1/2002 1/1/2002 1/1/2002 1/1/2002	75 65 55 70 65 60
----- construction, panel, and floor covering** -----	1/1/95 12/31/2002 -----	40 15 -----
----- contact -----	1/1/95 -----	80 -----
----- general purpose =====	1/1/95 =====	10 =====
* See section 94510(i) for an exemption that applies to adhesives sold in containers of one fluid ounce or less. ** See section 94509(k) for the effective date of the VOC limit for certain types of "construction, panel, and floor covering adhesives."		
Aerosol Cooking Sprays	1/1/95	18

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Product Category	Effective Date ¹	VOC Standard ²
Air Fresheners*: double phase aerosols	1/1/93 12/31/2004	30 25
-----	----- 1/1/93	-----
single phase aerosols	1/1/96	70
-----	-----	30
dual purpose air fresheners/disinfectant aerosols	1/1/94	-----
-----	-----	60
liquid/pump sprays	1/1/93	-----
-----	-----	18
solids/gels	1/1/93	-----
=====	=====	3
=====		=====
* See sections 94510(f) and 94510(g) for exemptions that apply to certain air fresheners.		
Automotive Brake Cleaners	1/1/97 12/31/2002	50 45
Automotive Rubbing or Polishing Compounds	1/1/2005	17
Automotive Wax/Polish/Sealant/Glaze: all other forms	1/1/2005	15
-----	-----	-----
hard paste waxes	1/1/2005	45
-----	-----	-----
instant detailers	1/1/2001	3
Automotive Windshield Washer Fluids: Type "A" areas*	1/1/93	35
-----	-----	-----
All other areas (all forms) Dilutable and Pre-Mixed ^{1/}	1/1/93 12/31/2002	10 1
^{1/} See section 94508(a)(18), section 94508(a)(19), and section 94509(l) for provisions that apply to Automotive Windshield Washer Fluids.		
=====	=====	=====
* Type "A" areas include only the following: Del Norte, Shasta and Trinity Counties; the Great Basin Valley, Lake Tahoe, Mountain Counties, and Northeast Plateau Air Basins, as defined in Title 17, California Code of Regulations, Sections 60105, 60108, 60111, and 60113.		
Bathroom and Tile Cleaners: aerosols	1/1/94	7
-----	-----	-----
all other forms	1/1/94	5
Bug and Tar Remover	1/1/2002	40

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Product Category	Effective Date ¹	VOC Standard ²
Carburetor or Fuel-injection Air Intake Cleaners ** ===== ** See section 94509(k) for the effective date of the VOC limit for fuel-injection air intake cleaners.	1/1/95 12/31/2002 =====	75 45 =====
Carpet and Upholstery Cleaner: Aerosols ----- non-aerosols (dilutables) ----- non-aerosols (ready-to-use)	1/1/2001 ----- 1/1/2001 ----- 1/1/2001	7 ----- .1 ----- 3
Charcoal Lighter Material	See 94509(h)	
Dusting Aids: Aerosol ----- all other forms	1/1/95 1/1/97 ----- 1/1/95	35 25 ----- 7
Engine Degreasers (all forms): ----- aerosols ----- non-aerosols	1/1/93 1/1/96 ----- 12/31/2004 ----- 12/31/2004	75 50 ----- 35 ----- 5
Fabric Protectants	1/1/95 1/1/97	75 60
Floor Polishes/Waxes: products for flexible flooring materials ----- products for nonresilient flooring ----- wood floor wax	1/1/94 ----- 1/1/94 ----- 1/1/94	7 ----- 10 ----- 90
Floor Wax Stripper: non-aerosols	See Section 94509(j)	
Furniture Maintenance Products: Aerosols ----- all other forms (except solid/paste forms)	1/1/94 12/31/2004 ----- 1/1/94	25 17 ----- 7
General Purpose Cleaners aerosols and non-aerosols: ----- non-aerosols	1/1/94 ----- 12/31/2004	10 ----- 4

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Product Category	Effective Date ¹	VOC Standard ²
General Purpose Degreasers: Aerosols	1/1/2002	50
----- non-aerosols	12/31/2004	4
Glass Cleaners: Aerosols	1/1/93	12
----- non-aerosols	1/1/93 1/1/96 12/31/2004	8 6 4
Hair Mousses	1/1/94 12/31/2002	16 6
Hair Shine	1/1/2005	55
Hair Styling Gels	1/1/94	6
Hairsprays	1/1/93 6/1/99	80 55
Heavy-duty Hand Cleaners or Soap	1/1/2005	8
Insect Repellents: Aerosols	1/1/94	65
Insecticides*: crawling bug (all forms):	1/1/95 1/1/98 12/31/2004	40 20 15
----- aerosol crawling bug insecticides	-----	-----
flea and tick	1/1/95	25
----- flying bug (all forms): aerosols	1/1/95 12/31/2003	35 25
----- foggers	1/1/95	45
----- lawn and garden (all forms) non-aerosol lawn and garden insecticides	1/1/95 12/31/2003	20 3
=====	=====	=====
* See sections 94510(g) and 94510(k) for exemptions that apply to certain insecticides.		
Laundry Prewash: aerosols/solids	1/1/94	22
----- all other forms	1/1/94	5
Laundry Starch Products	1/1/95	5
Metal Polish/Cleanser	1/1/2005	30
Multi-purpose Lubricant: (excluding solid or semisolid products)	1/1/2003	50

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Product Category	Effective Date ¹	VOC Standard ²
Nail Polish Removers	1/1/94 1/1/96 12/31/2004	85 75 0
Non-selective Terrestrial Herbicide: non-aerosols	1/1/2002	3
Oven Cleaners: aerosols/pump sprays	1/1/93	8
liquids	1/1/93	5
Paint Remover or Stripper	1/1/2005	50
Penetrant	1/1/2003	50
Personal Fragrance Products*: products with 20% or less fragrance	1/1/95 1/1/99	80 75
products with more than 20% fragrance	1/1/95 1/1/99	70 65
=====	=====	=====
* See sections 94510(h), 94510(j), and 94510(l) for exemptions that apply to personal fragrance products.		
Rubber and Vinyl Protectant: Aerosols	1/1/2005	10
non-aerosols	1/1/2003	3
Sealants and Caulking Compounds	12/31/2002	4
Shaving Creams	1/1/94	5
Silicone-based Multi-purpose Lubricant: (excluding solid or semisolid products)	1/1/2005	60
Spot Remover: Aerosols	1/1/2001	25
non-aerosols	1/1/2001	8
Tire Sealants and Inflators	12/31/2002	20
Undercoating: Aerosols	1/1/2002	40
Wasp and Hornet Insecticide	1/1/2005	40

¹ See section 94509(d) for the effective date of the VOC standards for products registered under FIFRA, and section 94509(c) for the "Sell-through" allowed for products manufactured prior to the effective date of standards.

² See section 94510(c) for an exemption that applies to fragrances in consumer products, and section 94510(d) for an exemption that applies to LVP-VOCs.

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(b) *Products that are diluted prior to use*

(1) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection (b), "minimum recommended dilution" shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the maximum recommended dilution has taken place.

(c) *Sell-through of products.* Notwithstanding the provisions of Section 94509(a) or 94509(j), a consumer product manufactured prior to each of the effective dates specified for that product in the Table of Standards may be sold, supplied, or offered for sale for up to three years after each of the specified effective dates. This subsection (c) does not apply to any consumer product which does not display on the product container or package the date on which the product was manufactured, or a code indicating such date.

(d) *Products registered under FIFRA.* For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136-136y), the effective date of the VOC standards specified in subsection (a) is one year after the date specified in the Table of Standards. For those consumer products that are registered under FIFRA, the three year period provided in subsection (c) shall also begin one year after the date specified in the Table of Standards.

(e) *Products containing ozone-depleting compounds.* For any consumer product for which standards are specified under subsection (a), no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which contains any of the following ozone-depleting compounds:

CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane),
CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane),
CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane),
CFC-115 (chloropentafluoroethane), halon 1211 (bromochlorodifluoromethane),
halon 1301 (bromotrifluoromethane), halon 2402 (dibromotetrafluoroethane),
HCFC-22 (chlorodifluoromethane),
HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane),
HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane),
HCFC-141b (1,1-dichloro-1-fluoroethane), HCFC-142b (1-chloro-1,1-difluoroethane),
1,1,1-trichloroethane, and carbon tetrachloride.

(f) The requirements of section 94509(e) shall not apply to any existing product formulation that complies with the Table of Standards or any existing product formulation that is reformulated to meet the Table of Standards, provided the ozone depleting compound content of the reformulated product does not increase.

(g) The requirements of section 94509(e) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than 0.01% by weight of the product.

(h) *Requirements for charcoal lighter materials.* The following requirements shall apply to all charcoal lighter material products as defined in section 94508(a)(26):

(1) *Regulatory Standards*

(A) In all areas of California except the South Coast Air Quality Management District, no person shall sell, supply, or offer for sale after January 1, 1993 any charcoal lighter material product unless at the time of the transaction:

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1. the manufacturer or distributor of the charcoal lighter material has been issued a currently effective certification pursuant to subsection (h)(2).

2. the charcoal lighter material meets the formulation criteria and other conditions specified in the applicable Executive Order issued pursuant to subsection (h)(2).

3. the product usage directions for the charcoal lighter material are the same as those provided to the Executive Officer pursuant to subsection (h)(2)(C).

(B) In the South Coast Air Quality Management District, the regulatory standards specified in subsection (h)(1)(A) shall be applicable upon the effective date of this subsection.

(2) *Certification Requirements*

(A) No charcoal lighter material formulation shall be certified under this subsection unless the applicant for certification demonstrates to the Executive Officer's satisfaction that the VOC emissions from the ignition of charcoal with the charcoal lighter material are less than or equal to 0.020 pound of VOC per start, using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, dated February 27, 1991 (the "SCAQMD Rule 1174 Testing Protocol"). The provisions relating to LVP-VOC in sections 94508(a)(80) and 94510(d) shall not apply to any charcoal lighter material subject to the requirements of sections 94509(a) and (h).

(B) The Executive Officer may approve alternative test procedures which are shown to provide equivalent results to those obtained using the SCAQMD Rule 1174 Testing Protocol.

The application shall be in writing and shall include, at a minimum, the following:

1. the results of testing conducted pursuant to the procedures specified in SCAQMD Rule 1174 Testing Protocol.

2. the exact text and/or graphics that will appear on the charcoal lighter material's principal display panel, label, and any accompanying literature. The provided material shall clearly show the usage directions for the product. These directions shall accurately reflect the quantity of charcoal lighter material per pound of charcoal that was used in the SCAQMD Rule 1174 Testing Protocol for that product, unless:

i) the charcoal lighter material is intended to be used in fixed amounts independent of the amount of charcoal used, such as certain paraffin cubes, or

ii) the charcoal lighter material is already incorporated into the charcoal, such as certain "bag light," "instant light" or "match light" products.

3. For a charcoal lighter material which meets the criteria specified in subsection (h)(2)(C)2.i, the usage instructions provided to the Executive Officer shall accurately reflect the quantity of charcoal lighter material used in the SCAQMD Rule 1174 Testing Protocol for that product.

4. Any physical property data, formulation data, or other information required by the Executive Officer for use in determining when a product modification has occurred and for use in determining compliance with the conditions specified on the Executive Order issued pursuant to section (h)(2).

(C) Within 30 days of receipt of an application, the Executive Officer shall advise the applicant in writing either that it is complete or that specified additional information is required to make it complete. Within 30 days of receipt of additional information, the Executive Officer shall advise the applicant in writing either that the application is complete, or that specified additional information or testing is still required before it can be deemed complete.

(D) If the Executive Officer finds that an application meets the requirements of this subsection (h)(2), then he or she shall issue an Executive Order certifying the charcoal lighter material formulation and specifying such conditions as are necessary to insure that the requirements of this subsection (h) are met. The Executive Officer shall act on a complete application within 90 days after the application is deemed complete.

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(3) *Notice of Modifications*

For any charcoal lighter material for which certification has been granted pursuant to subsection (h)(2), the applicant for certification shall notify the Executive Officer in writing within 30 days of: (i) any change in the usage directions, or (ii) any change in product formulation, test results, or any other information submitted pursuant to subsection (h)(2) which may result in VOC emissions greater than 0.020 pound of VOC per start.

(4) *Revocation of Certification*

If the Executive Officer determines that any certified charcoal lighter material formulation results in VOC emissions from the ignition of charcoal which are greater than 0.020 pound of VOC per start, as determined by the SCAQMD Rule 1174 Testing Protocol and the statistical analysis procedures contained therein, the Executive Officer shall revoke or modify the certification as is necessary to assure that the charcoal lighter material will result in VOC emissions of less than or equal to 0.020 pound of VOC per start. The Executive Officer shall not revoke or modify the prior certification without first affording the applicant for the certification an opportunity for a hearing in accordance with the procedures specified in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 1, Article 4 (commencing with section 60040), to determine if the certification should be modified or revoked.

(5) Notwithstanding any other provision of this subsection 94509(h), charcoal lighter material products manufactured prior to January 1, 1993, may be sold, supplied, or offered for sale until July 1, 1994, in all areas of California except the South Coast Air Quality Management District. Charcoal lighter material products subject to SCAQMD Rule 1174 and sold, supplied, or offered for sale in the South Coast Air Quality Management District shall meet the requirements of section 94509(h) upon the effective date of this subsection, regardless of the date on which the products were manufactured.

(i) *Requirements for aerosol adhesives.*

(1) As specified in Health and Safety Code section 41712(h)(2), the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in sections 94510, 94511, and 94514, no person shall sell, supply, offer for sale, use or manufacture for sale in California any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of the specified standard.

(2)(A) In order to qualify as a "Special Purpose Spray Adhesive" the product must meet one or more of the definitions specified in section 94508(a)(120), but if the product label indicates that the product is suitable for use on any substrate or application not listed in section 94508(a)(120), then the product shall be classified as either a "Web Spray Adhesive" or a "Mist Spray Adhesive."

(B) If a product meets more than one of the definitions specified in section 94508(a)(120) for "Special Purpose Spray Adhesive", and is not classified as a "Web Spray Adhesive" or "Mist Spray Adhesive" under subsection (2)(A), then the VOC limit for the product shall be the lowest applicable VOC limit specified in section 94509(a).

(3) Effective 1/1/2002, no person shall sell, supply, offer for sale, or manufacture for use in California any aerosol adhesive which contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene, except than an aerosol adhesive manufactured before 1/1/2002 may be sold, supplied, or offered for sale until 1/1/2005, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date.

(4) All aerosol adhesives must comply with the labeling requirements specified in section 94512(d), and all manufacturers and responsible parties for aerosol adhesives must comply with the special reporting requirements specified in section 94513(d).

(j) *Requirements for Floor Wax Strippers.* After an effective date of January 1, 2002, no person shall sell, supply, offer for sale, or manufacture for use in California any floor wax stripper unless the following requirements are met:

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(1) The label of each non-aerosol floor wax stripper must specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3 percent by weight or less.

(2) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper must specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12 percent by weight or less.

(3) The terms "light build-up", "medium build-up" or "heavy build-up" are not specifically required, as long as comparable terminology is used.

(k) *Effective dates of the VOC limits for "Carburetor or Fuel-injection Air Intake Cleaners" and "Construction, Panel, and Floor Covering Adhesives."* The definitions for the product categories of "Carburetor or Fuel-injection Air Intake Cleaners" and "Construction, Panel, and Floor Covering Adhesives" were modified as part of the "Mid-term Measures II" rulemaking action that was considered by the Board in October 1999. As a result of these modifications, certain types of consumer products were included in these definitions that had not previously been included. For those consumer products that were included in these definitions for the first time as a result of the "Mid-term Measures II" rulemaking action, the VOC limits (in section 94509(a)) applicable to these newly included products shall not become legally effective until December 31, 2002.

(l) *Automotive Windshield Washer Fluids.* The provisions of subsection 94509(b)(1) shall not apply to "Automotive Windshield Washer Fluid (Pre-Mixed)" as defined in section 94508(a)(19).

NOTE: Authority cited: Sections 39600, 39601, 39659, 39666, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 39650, 39655, 39656, 39658, 39659, 39666, 40000, and 41712, Health and Safety Code.

REFERENCE